

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK SHAUN LOVEDAY,

Petitioner,

No. CIV S-05-0105 GEB DAD P

vs.

M. YARBOROUGH, Warden,

Respondent.

ORDER

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This action is proceeding with petitioner's amended petition filed on July 9, 2007. On August 6, 2007, the court ordered respondent to file his response to the amended petition. On August 27, 2007, the court granted respondent's request for an extension of time. The response is now due on October 3, 2007. Before the court is respondent's request for a copy of the sealed reporter's transcript of petitioner's Marsden hearing. Respondent explains that in the first claim of his amended petition petitioner alleges that the trial court abused its discretion by "denial self-representation" and that petitioner discusses the Marsden hearing at some length in addressing the claim. (Req. for Sealed Doc. at 1.) Because petitioner has placed the Marsden hearing at issue in his habeas petition pending before this court, disclosure of that transcript to counsel for respondent is appropriate in order to provide them an adequate opportunity to respond to petitioner's claims.

1 Good cause appearing, IT IS HEREBY ORDERED that the Clerk of the Court is
2 directed to provide respondent with a copy of the sealed reporter's transcript of the December 20,
3 2000 Marsden hearing; respondent shall safeguard his copy of the sealed transcript and avoid
4 disclosure of specific information therein except to the extent necessary to respond to petitioner's
5 claims.

6 DATED: August 31, 2007.

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9 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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